



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPL. NO.: 10/708,571
APPLICANT(S): Peng Lee
FILED: March 11, 2004
TITLE: NONDESTRUCTIVE RESIDENTIAL
INSPECTION METHOD AND APPARATUS
TC/A.U.: 2859
EXAMINER: JAGAN, Mirellys
DOCKET NO.: 026018.50271

DECLARATION UNDER 37 CFR § 1.132

I, Rick Hynum, hereby declare that:

1. I, Rick Hynum, am the Vice President of Communications for HomeSafe Inspection, Inc. which is the owner by assignment of all of the rights, title, and interests in this patent application.
2. As evidenced by the documents appended hereto, there has been a long-felt need in the industry and professional approval of the presently claimed invention.
3. Appendix tab A: This is a selection from an article in the *Houston Community Newspapers* dated March 10, 2005. The title of this article is *Safeguard: Houston Company Revolutionizes Home Inspection Process*. In this article, the owner of Top Guns Realty, the county's largest independent real estate office, states the infrared and acoustic technology used by HomeSafe is "the greatest thing since sliced bread." This description of the invention shows that it is new in the industry and satisfies a long-felt need in the industry for such a product.
4. Appendix tab B: This article is from *The Daily Journal*, dated July 13, 2003, entitled "A Better Mousetrap." This article states that "because HomeSafe has previously untapped talent for pointing out flaws, some people in the home selling process might flinch at so detailed an inspection. But the company's CEO said HomeSafe often turns the table in the opposite direction."

5. Appendix tab C: Gadgets and Gizmos, The Communicator Magazine Winter 2004, notes that “We’ve gathered up some of the latest and greatest so that you can see what’s new in 2004 . . .”. The author reviews the HomeSafe process as one of the latest and greatest.

6. Appendix Tab D: This is an article in the Commercial Appeal dated April 26, 2004. It is noted that “While infrared technology isn’t new to the home inspection business, it’s never been as mobile or paired with the acoustic component HomeSafe offers.”

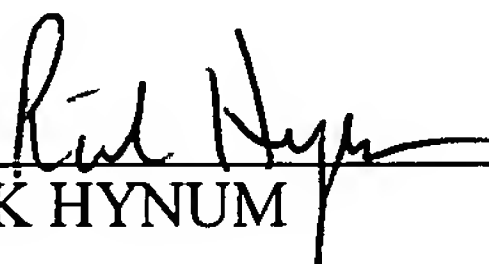
In the same article Don Merritt, the president of the American Society of Home Inspectors states that: “Infrared has been around forever,” (Don Merritt, president of the American Society of Home Inspectors) said, “but it used to require 20 to 30 degrees difference in temperature to get a good reading.”

7. Appendix Tab E: This is an article from The Clarion Ledger, July 29, 2003, in this article it notes that, “Technologically, I’m quite impressed because they’ve shown moisture in a wall that roofers said they’ve fixed three times,” said (Bill)_ Ridgway, secretary and treasurer of (Ridgway Management, Inc.). Despite the roofer’s best efforts, the infrared scanner found the moisture because it can pick up things human eyes cannot see. “It allows us to see what we heretofore have not been able to see,” Ridgway said.

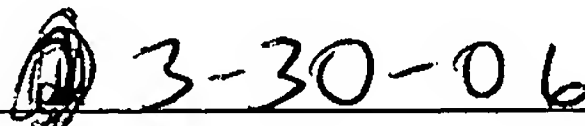
8. Appendix Tab F: This is an article from the Oceans Springs Record dated March 11, 2004, entitled HomeSafe Inspection Takes Home Inspections to a New Level. In this article, it is stated that: “HomeSafe Inspection takes home inspections to a new level. The high-tech business uses infrared technology, listening sensors and traditional visual techniques to give clients the most comprehensive reports available on their homes.”

9. Appendix Tab G: This is an article from the Northwest Florida Daily News, dated December 5, 2004, entitled Headline: Inspections Superman-Style. “Agent Robbie Fenn of RE/MAX Southern Realty likes the added protection offered by Phillips’ sophisticated equipment. It takes the liability off of me,” she said. “And (knowing of the defects) benefits both the buyer and the seller.”

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



RICK HYNUM

DATE:  _____

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